

REMARKS

In the foregoing amendments, claims 6-10 were amended to better define that the display screen displays at least one color in a background portion thereof and at least one image in a display portion thereof, and the change means changes at least one of brightness, saturation and hue between the at least one displayed color of the background portion and the at least one displayed image of the display portion, as described in applicant's specification disclosure and drawings. New claims 11 and 12 define that the change means changes the brightness, saturation and hue of the displayed color of the background portion and the at least one displayed image of the display portion at the same time. This aspect of the present invention was set forth in previously presented claims 6 and 10. Claims 1-5 were previously canceled. Accordingly, claims 6-12 are in the application for consideration by the examiner.

Applicant expresses thanks to Examiner Havan for the courtesies extended to the undersigned in a personal interview on July 14, 2004. At the interview, the teachings of U.S. patent No. 6,674,485 of Akiyama *et al.* (Akiyama) with respect to claim 6-10 were discussed. However, no agreement was reached.

The Office action mailed March 10, 2004, set forth a single rejection of claims 6-10 under 35 U.S.C. § 103(a) as being unpatentable over Akiyama. The rejection spans pages 2-4 of the Official action. Applicant respectfully

submits that the teachings of Akiyama do not disclose or suggest the invention as set forth in claim 6-12 within the meaning of 35 U.S.C §103(a) for at least the following reasons.

Applicant respectfully submits that the teachings of Akiyama are not pertinent to the presently claimed invention. The teachings of Akiyama are concerned with an apparatus for providing a composite image of a subject (104 in Fig. 2) and a background image. Within the apparatus proposed by Akiyama, light panels (105, 106 in Fig. 2) are provided *behind the subject and on the floor*, which emit uniform light with a predetermined hue, saturation, and brightness. Means are proposed for measuring the hue, saturation, and brightness of the light panels. An extraction means are proposed for extracting the foreground image (subject, 104) of the picture based on a color of the light panel (105) behind the subject. The device proposed by Akiyama includes image composing means for comparing and correcting saturation, brightness, and hue distributions of the foreground image with respect to saturation, brightness, and hue distributions of the background image (light panel, 105), and compositing the foreground image with the background image; and an image display for displaying the resultant composite image.

In other words, the teachings of Akiyama are concerned with a background image arranged behind a subject and a foreground image of the subject (i.e., a person). These images being viewed through a camera lens and then combined together on a separate display screen. In contrast thereto,

applicant's claims are directed to a display screen displaying at least one color in a background portion and at least one image in a display portion (the displayed color in the background portion and the displayed image in the display portion are within the *same* display screen). The teachings of Akiyama have nothing to do with adjusting colors (brightness, saturation, and hue) on a display screen based on images contained within the *same* display screen. Therefore, the teachings of Akiyama cannot contemplate or suggest change means for changing at least one of brightness, saturation and hue between the at least one displayed color of the background portion and the at least one displayed image of the display portion, as required in the present claims.

In addition, as explained in the portion of Akiyama cited in the Official action (col. 11, line 10, to col. 12, line 37; Figs. 6 and 12), the teachings of Akiyama are concerned with adjusting the foreground image. This arrangement is, of course, different than and opposite to changing one of the following: (1) the brightness, saturation or hue of the displayed color of the background portion, and (2) the brightness, saturation or hue of one of the displayed color of the background portion and the displayed image of the display portion which occupies a larger area on the display screen, such as required in claims 7 and 8.

In addition, the applicant cannot find where Fig. 5 of Akiyama shows changing the brightness, saturation or hue of any display colors, as alleged in the outstanding Office action. In step 504 of Fig. 5 of Akiyama, the hue,

saturation and brightness are checked for later use, but nothing is changed on the display screen. See, for example, the discussion in Akiyama at col. 8, lines 6-15. Therefore, applicant respectfully submits that Fig. 5 of Akiyama is not pertinent to present claims 9 and 10.

Furthermore, applicant cannot find where the teachings of Akiyama propose or suggest a change means that changes *both* the brightness, saturation or hue of said displayed color of said background portion and said displayed image of said display portion *at the same time*, as required in claims 11 and 12.

For at least the foregoing reasons, applicant respectfully submits that the invention set forth in claims 6-12 is patently distinguishable from the teachings of Akiyama within meaning of 35 U.S.C. § 102 or 35 U.S.C. § 103. Therefore, applicant respectfully requests that the examiner reconsider and withdraw this rejection.

In view of the foregoing amendments and remarks, favorable consideration and a formal allowance of claims 6-12 are respectfully requested. While it is believed that the present response places the application in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolved any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which may become due, may be charged to our deposit account No. 22-0256.

Respectfully submitted,
VARNDELL & VARNDELL, PLLC

R. Eugene Varndell, Jr.
Attorney for Applicant
Registration No. 29,728

Atty. Case No. VX012328
106-A S. Columbus Street
Alexandria, Virginia 22314
(703) 683-9730

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